

FIRST REGULAR SESSION

HOUSE BILL NO. 928

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURLISON (Sponsor), JONES (110), FUNDERBURK,
COOKSON, SPENCER, SCHARNHORST, ROWLAND, CIERPIOT, DIEHL AND LAIR (Co-sponsors).

1829L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to the education compact.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be
2 known as section 160.2010, to read as follows:

**160.2010. The Education Compact is enacted into law and entered into by the state
2 as a party, and is of full force and effect between the state and any other states joining
3 therein in accordance with the terms of the Compact, which such Compact is as follows:**

**4 Section 1. Definitions. As used in this Compact, unless the context clearly indicates
5 otherwise:**

6 "Commission" means the Interstate Advisory Education Commission.

**7 "Current Year Inflation Adjustment Factor" means the Total Gross Domestic
8 Product Deflator in the current year divided by the Total Gross Domestic Product Deflator
9 in Federal fiscal year 2013. Total Gross Domestic Product Deflator shall be determined
10 by the Bureau of Economic Analysis of the United States Department of Commerce.**

**11 "Effective Date" means the date upon which this Compact shall become effective
12 for purposes of the operation of State and Federal law in a Member State, which shall be
13 the later of:**

**14 a) The date upon which this Compact shall be adopted under the laws of the
15 Member State, and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 b) The date upon which this Compact receives the consent of Congress pursuant
17 to Article I, Section 10, of the United States Constitution, after at least two Member States
18 adopt this Compact.

19 "Education" means services and associated products used to impart knowledge and
20 skills to individuals.

21 "Member State" means a State that is signatory to this Compact and has adopted
22 it under the laws of that State.

23 "Member State Base Funding Level" means a number equal to the total Federal
24 spending on Education in the Member State during Federal fiscal year 2013. On or before
25 the Effective Date, each Member State shall determine the Member State Base Funding
26 Level for its State, and that number shall be binding upon that Member State,

27 "Member State Current Year Funding Level" means the Member State Base
28 Funding Level multiplied by the Member State Current Year Population Adjustment
29 Factor multiplied by the Current Year Inflation Adjustment Factor.

30 "Member State Current Year Population Adjustment Factor" means the average
31 population under the age of 25 of the Member State in the current year less the average
32 population under the age of 25 of the Member State in Federal fiscal year 2013, divided by
33 the average population under the age of 25 of the Member State in Federal fiscal year 2013,
34 plus one. Average population under the age of 25 in the Member State shall be determined
35 by the United States Census Bureau.

36 Section 2. Pledge. The Member States shall take joint and separate action to secure
37 the consent of the United States Congress to this Compact in order to return the authority
38 to regulate Education to the Member States consistent with the goals and principles
39 articulated in this Compact. The Member States shall improve education policy within
40 their respective jurisdictions and according to the judgment and discretion of each
41 Member State.

42 Section 3. Legislative Power. The Legislatures of the Member States have the
43 primary responsibility to regulate Education in their respective States.

44 Section 4. State Control. Each Member State, within its State may suspend by
45 legislation the operation of all Federal laws, rules, regulations, and orders regarding
46 Education that are inconsistent with the laws and regulations adopted by the Member
47 State pursuant to this Compact. Federal and State laws, rules, regulations, and orders
48 regarding education will remain in effect unless a Member State expressly suspends them
49 pursuant to its authority under this Compact. For any Federal law, rule, regulation, or
50 order that remains in effect in a Member State after the Effective Date, that Member State
51 shall be responsible for the associated funding obligations in its State.

52 **Section 5. Funding.**

53 **(a) Each Federal fiscal year, each Member State shall have the right to Federal**
54 **moneys up to an amount equal to its Member State Current Year Funding Level for that**
55 **Federal fiscal year, funded by Congress as mandatory spending and not subject to annual**
56 **appropriation, to support the exercise of Member State authority under this Compact.**
57 **This funding shall not be conditional on any action of or regulation, policy, law, or rule**
58 **being adopted by the Member State.**

59 **(b) By the start of each fiscal year, Congress shall establish an initial Member State**
60 **Current Year Funding Level for each Member State, based upon reasonable estimates.**
61 **The final Member State Current Year Funding Level shall be calculated, and funding shall**
62 **be reconciled by the United States Congress based upon information provided by each**
63 **Member State and audited by the United States Government Accountability Office.**

64 **Section 6. Interstate Advisory Energy Commission.**

65 **(a) The Interstate Advisory Education Commission is established. The Commission**
66 **consists of members appointed by each Member State through a process to be determined**
67 **by each Member State. A Member State may not appoint more than two members to the**
68 **Commission and may withdraw membership from the Commission at any time. Each**
69 **Commission member is entitled to one vote. The Commission shall not act unless a**
70 **majority of the members are present and no action shall be binding unless approved by a**
71 **majority of the Commission's total membership.**

72 **(b) The Commission may elect from among its membership a chairperson. The**
73 **Commission may adopt and publish by laws and policies that are not inconsistent with this**
74 **Compact. The Commission shall meet at least once a year and may meet more frequently.**

75 **(c) The Commission may study issues of education regulation that are of a**
76 **particular concern to the Member States. The Commission may make non-binding**
77 **recommendations to the Member States. The Legislatures of the Member States may**
78 **consider these recommendations in determining the appropriate Education policies in their**
79 **respective States.**

80 **(d) The Commission shall collect information and data to assist the Member States**
81 **in their regulation of Education, including assessing of the performance of various State**
82 **education programs and compiling information on Education. The Commission shall**
83 **make this information and data available to the Legislatures of the Member States.**
84 **Notwithstanding any other provision in this Compact, no Member State shall disclose to**
85 **the Commission the Education information of any individual, nor shall the Commission**
86 **disclose the Education information of any individual.**

87 (e) The Member States shall fund the Commission as agreed to by the Member
88 States. The Commission shall have the responsibilities and duties as may be conferred
89 upon it by subsequent action of the respective Legislatures of the Member States in
90 accordance with the terms of this Compact.

91 (f) The Commission shall not take any action within a Member State that
92 contravenes any State law of the Member State.

93 Section 7. Congressional consent. This Compact shall be effective on its adoption
94 by at least two Member States and the consent of the United States Congress. This
95 Compact shall be effective unless the United States Congress, in consenting to this
96 Compact, alters the fundamental purpose of this Compact, which are:

97 (1) To secure the right of Member States to regulate Education in their respective
98 States pursuant to this Compact and to suspend the operation of any conflicting Federal
99 laws, rules, regulations, and orders regulating Education within their States;

100 (2) To secure Federal funding for Member States that choose to invoke their
101 authority under this Compact, as prescribed by section 5 above.

102 Section 8. Amendments. The Member States, by unanimous agreement, may
103 amend this Compact from time to time without the prior consent or approval of Congress
104 and any amendment shall be effective unless, within one year, the Congress disapproves
105 that amendment. Any State may join this Compact after the date on which Congress
106 consents to the Compact by adoption into law under its State Constitution.

107 Section 9. Withdrawal; Dissolution. Any Member State may withdraw from this
108 Compact by adopting a law to that effect, but no such withdrawal shall take effect until six
109 months after the Governor of the withdrawing Member State has given notice of the
110 withdrawal to the other Member States. A withdrawing State shall be liable for any
111 obligations that it may have incurred prior to the date on which its withdrawal becomes
112 effective. This Compact shall be dissolved upon the withdrawal of all but one of the
113 Member States.

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